



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,076	03/06/2001	Robert Olan Keith JR.	ABREAU-00108	5086

28960 7590 10/22/2003
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,076

Applicant(s)

KEITH, ROBERT OLAN

Examiner

Cam-Linh T. Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to the double patenting are acknowledged.
Consequently, rejection to the double patenting is withdrawn.
2. Applicant's amendments to the specification are acknowledged. Consequently, rejection to the specification is withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 4 – 7, 13, 16 – 19, 25, 28 – 31, 37, 40 – 43, 47 are rejected under 35 U.S.C. 102(a) as being anticipated by East et al (U.S. 6,185,569).

♦ As per claim 1, 13, 25, 37, 47,

East et al discloses a method of organizing data within a searchable database comprising:

- "Generating a directory tree structure, therein the directory tree structure includes nodes comprising a designated category for each node and branches comprising links between the nodes"" See Fig. 2, col. 2 line 18 – 32.
- "Generating one or more pointers, wherein each pointer corresponds to a specific node and the pointer links the specific node to an item of data" See Fig. 2, col. 2 line 42 – 55.

Art Unit: 2171

- "Each pointer is categorized by a navigation path through the directory tree structure and by one or more set parameters, wherein the parameters are specific to the node" See Fig. 2, where the pointers is categorized by a navigation path such as left or right pointer, and the parameter in each node is uniquely identified (See col. 2 line 56 – col. 3 line 16).
- "All items of data linked to the specific node by the corresponding pointers of the specific node are related to the designated category of the specific node" See Fig. 2, where items in nodes 214 – 216 are linked to the specific node 212, by the corresponding pointer 222, 242, 232...
- ♦ As per claim 4 - 5, 16 – 17, 28 – 29, 40 – 41, East discloses:
 - "Navigating the directory tree structure and selecting a corresponding pointer to access a particular item of data within the searchable database" See Fig. 4, element 435 – 442, col. 8 line 64 – col. 9 line 5.
 - "A user input command" (col. 8 line 29 – 31) corresponds to "a hierarchical tree search".
- ♦ As per claim 6, 18, 30, 42, East discloses:
 - "Nodes within the directory tree structure are added, edited, or deleted" See col. 7 line 63 – 67, Fig. 5.
- ♦ As per claim 7, 19, 31, 43, East discloses:
 - "Links and pointers within the directory tree structure are added, redirected, or deleted" See Fig. 5, col. 10 line 33 – 50.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 – 3, 8 – 12, 14 – 15, 20 – 24, 26 – 27, 32 – 36, 38 – 39, 44 – 46, 48 - 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over East et al (U.S. 6,185,569) in view of Drucker et al (U.S. 6,292,796).

♦ As per claim 2, 14, 26, 38,

East et al. discloses a method of organizing data within a searchable database as discussed above, but does not clearly teach each node within the directory tree structure includes a corresponding HTML address.

However, Drucker, on the other hand, discloses a method for searching documents in a plurality of databases (Fig. 4, element 414). Documents are organized in a hierarchical order (See Fig. 6A-C, col. 10 line 12 – 20). Drucker teaches a method of accessing documents by the URLs, which is the address of the document from a specific node. Therefore, each node in Drucker reference must include an HTML address for accessing information.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Drucker, and use the HTML addressing schema in the system of East, because the system of Drucker provides great benefits in accessing data by using a browser application (See col. 1 line 35 – 46 of Drucker). The combination of Drucker and East produces an easy search engine for users, where the

Art Unit: 2171

user does not have to be familiar with the system and does not have to have a lot of time for a search query.

♦ As per claim 3, 8, 15, 20, 27, 32, 39, 44, 48, the combination of East and Drucker discloses:

- "The item of data is web-based multimedia including one or more audio...formatted text" See Fig. 6A-C, col. 10 line 1 – 54, Drucker.

♦ As per claim 9, 21, 33, 45, the combination of East and Drucker discloses:

- "The searchable database is distributed into more than one physical location" See Fig. 5, element 516, col. 9 line 26 – 28, Drucker.

♦ As per claim 10 – 12, 22 – 24, 34 – 36, 46, the combination of East and Drucker discloses:

- "Generating a directory tree structure and generating one or more pointers are performed by a server" See col. 15 line 38 – 59, Drucker.
- "Establishing an Internet connection with the server" See Col. 15 line 21 – 37, Drucker.
- "The Internet connection is established with a computer system at a remote location from the server" See Col. 15 line 21 – 37, Drucker.

♦ As per claim 49 – 50, the combination of East and Drucker discloses:

Claims 49 – 50 are rejected based on the rejection of claims 1- 12 above.

Response to Arguments

5. Applicant's arguments filed 09/29/2003 have been fully considered but they are not persuasive.

♦ Applicant argues that the East reference fails to disclose a directory tree structure in which nodes are connected via branches and each node includes a collection of pointers, where each pointer references a location of a specific data item. The Examiner respectfully disagrees.

Applicant admitted that the East reference teach a data structure where pointers point from one node to another node (see page 4, first paragraph of the amendment). According to Fig. 2, where a pointer, either left or right, connects each child node. Therefore, each child node is corresponding to one branch of the big tree and is connected by a pointer. Each node includes data in an index field, which is to facilitate the search for a specific item in a leaf node. Therefore, each pointer references a location of a specific data item in the directory structure.

♦ Applicant argues that the East reference fails to disclose that each node includes a number of parameter fields, where each individual data item associated with the node has a set value for each parameter field. The Examiner respectfully disagrees.

Each index field in the node is corresponding to "a parameter" that has a specific value. Only data items that belong to that index are located under that index field. Therefore, data items that have specific values are located under that index field. According to Fig. 2, clearly, each node includes a number of fields, where the data items associated with that field are located under that, and are connected by pointers.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2171

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239. A new fax number for the organization where this application or proceeding, which will be available by December 1st, is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen
Art Unit 2171



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100